UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 5:06-cv-843
(GTS/GJD)

Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that Defendant's Motion for Summary Judgment is Granted and Plaintiff's Complaint is Dismissed in its entirety. Judgment is hereby entered in favor of the Defendant.

All of the above pursuant to the Order of the Honorable Judge Glenn T. Suddaby, dated the 15th day of December, 2009.

DATED: December 15, 2009

s/ Melissa Ennis

Melissa Ennis, Deputy Clerk